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Cc: [Stark, David](#); [Butler, David](#); [Wessinger-Hill, JoAnne](#); [Wilson, Elise](#); [Erskine, Randy](#); [Boyd, Jocelyn](#)
Subject: Cross Examination Exhibit Procedures -- DN 2019-224-E/DN 2019-225-E DEC & DEP Integrated Resource Plan
Date: Thursday, April 22, 2021 7:29:54 PM
Attachments: [2021-04-26_DN_2019-224&225-E_PSC_Virtual_Hearing_Media_Plan.xlsx](#)

FOR POSTING ON THE DMS – IN AN ABUNDANCE OF CAUTION TO PREVENT ANY INADVERTANT DISCLOSURE, A COPY OF THIS EMAIL WILL NOT INCLUDE THE ATTACHED VIRUTAL MEDIA PLAN AS IT MAY CONTAIN THE PERSONAL INDENTIFICABLE INFORMATION FOR WITNESS OR NON-PARTIES. ANY AVAILABLE CONTACT INFORMATION RELATED TO THE PARTIES/ATTORNEYS/REPRESENTATIVES IS ALREADY IN THE DOCKET INFORMATION ON THE DMS.

Dear Counsel and Parties of Record:

Attached is a copy of the Virtual Hearing Media Plan. Please check for any errors or changes to the information provided. Remember you are responsible for providing updated information to reflect any changes therein before or during the course of the hearing. You will be receiving (if you have not already), an email or invitation from Randy Erskine to connect via WebEx through your computer with a camera – as the Commissioners must be able to see the witness and attorneys during the hearing. If you are instructed to also connect by telephone, you will “MUTE” your speaker or microphone on the computer and will use the telephone to speak. Look at the directions provided by Mr. Erskine. If you do not have an invitation from Mr. Erskine, please contact him at (803-896-5100) or by email at (Randy.Erskine@psc.sc.gov).

Reminders:

1. EXHIBITS:

All counsel should have the pre-filed Exhibits available for your witnesses to reference during the course of the hearing.

2. CROSS-EXAMINATION/IMPEACHMENT EXHIBITS:

If you are any cross examination exhibits/impeachment exhibits, this is the process that has been used with prior virtual hearings with one modification -- who to send or address such cross examination exhibits due to the use of another court reporter for this proceeding/hearing – and clarification so that you do not collate exhibits into sets as explained in detail below.

- A. The exhibits must be provided in hard copy and as a PDF.
- B. No later than Friday, April 23, 2021 at 4:45 p.m. (or at the latest by 9:00 a.m. on Monday morning, April 26, 2021), you must send the cross examination exhibits electronically to Elise Wilson (Elise.Wilson@psc.sc.gov) in the following manner:
 - a. Each cross examination exhibit must be clearly identifiable, pre-marked and numbered individually, and provided in its own electronic pdf file and sent to Elise at her email address above.
 - b. Procedurally, Ms. Wilson will confirm receipt of cross examination exhibits 1 thru _____.
 - c. In addition to the document/exhibits in hard copy (below) and in electronic format, the PDF file name must state the Cross Examination Exhibit Number so that it is clear what the number of the exhibit is without opening the PDF. For example: Cross Exhibit 1, Cross Exhibit No. 2, Cross Exhibit #3, CX Exhibit 4, etc. You can use your own format or witness name and exhibit. It must be clearly and easily identifiable.
 - d. Your PDF file **will not** be opened or examined by any staff or member of the Commission until you present the item during the virtual hearing when crossing the witness. It is just like as if you were in the hearing room.
 - e. Do not bundle or collate scans or PDFs of the individual exhibit

together. Each exhibit/scan/PDF must be its own file and number.

- f. For example, if there are three (3) cross examination exhibits from Party X, then Party X will email three separate scan files or pdf documents to Elise.
 - g. If you have questions, remember to send your email as a "reply all."
 - h. The only thing different in this hearing is the email address that you send everything too, as you have likely done this before at least once in the past year of virtual hearings.
 - i. Please use the Reference Line in your email that will identify which party is sending the cross examination exhibits. For example — "DN 2019-224-E/DN 2019-225-E CROSS EXAMINATION EXHIBITS FOR [INSERT PARTY NAME]."
- c. No later than Friday, April 23, 2021 at 4:45 p.m. (or at the latest by 9:00 a.m. on Monday morning, April 26, 2021), you must send the cross examination exhibits electronically to Elise Wilson (Elise.Wilson@psc.sc.gov) in the following manner:
- a. Each cross examination exhibit must be clearly identifiable, pre-marked and numbered individually
 - b. You must provide the Commission with ten (10) paper copies of each cross examination exhibit (even though you have sent the PDF/electronic file). The Commission staff or court reporter will not be able to make paper copies.
 - c. Please send, or have, the hard copies delivered to the Commission office in Columbia in an sealed envelope. They need to be here at the Commission prior to the start of hearing at 10:00 a.m.
 - d. Address any envelope or package to the attention of Elise Wilson.
 - e. Your paper copies **will not** be opened or examined by any staff or member of the Commission until you present the item during the virtual hearing when crossing the witness. It is just like as if you were in the hearing room.

- f. **Do not bundle or collate** the hard copies in packages of Exhibits 1 thru X.
- g. **We need all copies of Exhibit No. 1 together and clearly marked.** Exhibits will be distributed individually when used in the hearing and not all at once. The court report and staff unfortunately cannot stop the hearing to sort the exhibits so all copies of the same cross examination exhibit are together. In other words, if you have cross examination exhibits numbered 1 thru 5, you will have a set of nothing but Exhibit No. 1 together; then another set of all “2s”; another set of all exhibit “3s”; and so on. There will not be five collated sets of exhibits number 1 thru 5 together.
- h. For example, if there are three (3) cross examination exhibits from Party X, then Party X will send, deliver, or provide to Elise three separate stacks of paper clipped or banded together which are (1) ten copies of Exhibit No. 1; (2) ten copies of Exhibit No. 2; and (3) ten copies of Exhibit No. 3.
- i. If you have questions, remember to send your email as a “reply all.”
- j. The only thing different is the name of person to who you address, send or deliver the paper copies of your cross examination exhibits. Upon receipt the front desk of the Commission will provide them to Elise.

During the hearing when the introducing party advises, staff will (1) provide a paper copy of the Cross Examination Exhibit to the Commissioners, and (2) email the scan/pdf to the Commissioners. The attorney presenting the evidence/cross examination exhibit is responsible for presenting and sharing the exhibit with the opposing counsel and related witness (just like in the courtroom). The attached spreadsheet gives you everyone’s email address to date in case you need it. **This “cross examination” procedure DOES NOT apply to pre-filed Exhibits as those are in the DMS, and available to all parties at the time of filing. No cross-examination exhibit will be provided by Commission Staff or the Court Reporter until the introducing party advises.** However, attorneys are responsible for ensuring that your witnesses

have access or copies of their own exhibits, as well as access to any exhibit pending in the record or filed in the Docket.

If you have any questions, please advise and remember to “reply to all” so as to prevent any inadvertent *ex parte* communication as may be defined by law or Commission policy.

In addition to David Stark (David.Stark@psc.sc.gov), Special Counsel David Butler (David.Butler@psc.sc.gov) and myself (JoAnne.Hill@psc.sc.gov) should be added or copied on correspondence related to procedural, non-dispositive matters shared with the Commission related to this matter which will be posted in the Docketing Management System as these are the staff attorneys in the Hearing Room at the Commission offices during the course of the hearing.

Thank you for your attention to this matter.

Jo Anne Wessinger Hill

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The information contained in this e-mail message is public and will be filed in the Docketing Management System (DMS) for the corresponding docketed matter. Any responsive e-mail message by you should also be filed by you in the DMS for this matter. **If the reader of this message does not want certain information, which is meant to be discussed only between**

the parties and not Public Service Commission of South Carolina (Commission) staff, please do not use “reply all” to this message. Any e-mail message involving the Commission or Commission staff is also subject to the provisions of Commission Order No. 2019-748 in Docket No. 2019-329-A; shall be published in the docket for this matter; and **should also be copied to all parties of record in the docket.** If you have received this communication in error, please immediately notify us by telephone at (803) 896-5100.